The Uttar Pradesh Krishi Utpadan Mandi Vidhi (Sanshodhan) Adhiniyam, 1978

Act 7 of 1978

Keyword(s):
Market Area, Producer, Palledar, Commission Agent, Agricultural Produce, Broker, Trade-charge

Amendments appended: 1 of 2000, 13 of 2004

उत्तर प्रदेश कृषि उत्पादन मण्डी विधि (संशोधन) अधिनियम, 1978

[उत्तर प्रदेश अधिनियम संख्या 7, 1978]

(उत्तर प्रदेश विधान सभा ने दिनांक 5 अप्रैल, 1978 ई० तथा उत्तर प्रदेश विधान परिषद् ने दिनांक 14 अप्रैल, 1978 ई० की बैठक में स्वीकृत किया।)

'भारत का संविधान' के अनुच्छेद 200 के अन्तर्गत राज्यपाल ने दिनांक 20 अप्रैल, 1978 ई० को अनुमति प्रदान की तथा उत्तर प्रदेशीय असाधारण गजट के विधायी परिशिष्ट के भाग 1-खंड (क) में दिनांक 22 अप्रैल, 1978 ई० को प्रकाशित हुआ।

उत्तर प्रदेश कृषि उत्पादन मण्डी समिति (अल्पकालिक व्यवस्था) अधिनियम, 1972 और उत्तर प्रदेश कृषि उत्पादन मण्डी अधिनियम, 1964 का अग्रतर संशोधन करने के लिए

अधिनियम

भारत गणराज्य के उन्तीसवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है:—

अध्याय एक

प्रारम्भिक

1—(1) यह अधिनियम उत्तर प्रदेश कृषि उत्पादन मण्डी विधि (संशोधन) अधिनियम, 1978 कहा जायगा। संक्षिप्त नाम और प्रारम्भ

(2) इसे 29 दिसम्बर, 1977 से प्रवृत्त समझा जायगा।

उद्देश्य और कारणों के विवरण के लिये कृपया दिनांक 29 मार्च, 1978 ई० को सरकारी असाधारण गजट के विधायी परिशिष्ट का भाग 3-खंड (क) देखिये।

PRICE 25 PAISE

अध्याय दो

उत्तर प्रदेश कृषि उत्पादन मण्डी समिति (अल्पकालिक व्यवस्था) अधिनियम, 1972 का संशोधन।

उ0 प्र0 अधिनियम संख्या 7, सन् 1972 की धारा 2 का संशोधन

2—उत्तर प्रदेश कृषि उत्पादन मण्डी समिति (अल्पकालिक व्यवस्था) अधिनियम, 1972 की धारा 2 में,—

(एक) उपधारा (1) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी, अर्थात्:—

"(1) उत्तर प्रदेश कृषि उत्पादन मण्डी विधि (संशोधन) अधिनियम, 1978 के प्रारम्भ के दिनांक से उत्तर प्रदेश कृषि उत्पादन मण्डी अधिनियम, 1964 (जिसे आगे इस अध्याय में उक्त अधिनियम कहा गया है) के उपबन्ध एक वर्ष की अवधि के लिए या उक्त अधिनियम की धारा 13 के अधीन निर्वाचित मण्डी समिति का संघटन होने तक, जो भी पहले हो, प्रत्येक ऐसी मण्डी क्षेत्र के सम्बन्ध में जो ऐसे प्रारम्भ के दिनांक को विद्यमान हो या उक्त अवधि में इस प्रकार घोषित किये गये हों, निम्नलिखित उपबन्धों के अधीन रहते हुए, प्रभावी होंगे, अर्थात्:—

(क) उपखण्ड (ङ) में यथा उपबन्धित के सिवाय किसी मंडी समिति के समस्त अधिकारों का प्रयोग, कृत्यों का सम्पादन और कर्त्तव्यों का पालन राज्य सरकार द्वारा नाम-निर्दिष्ट की जाने वाली तदर्थ समिति द्वारा किया जायगा :

(ख) खण्ड (क) में निर्दिष्ट तदर्थ समिति में सात सदस्य होंगे जिनमें से एक को सभापति पदाभिहित किया जायेगा ;

(ग) राज्य सरकार किसी भी समय तदर्थ समिति के किसी सदस्य को उसके स्थान पर नया नाम निर्देशन करके बदल सकती है ;

(घ) इस धारा के उपबन्धों के अधीन रहते हुए, तदर्थ समिति को सभी प्रयोजनों के लिए मण्डी समिति समझा जायगा ;

(ङ) तदर्थ समिति मण्डी निदेशक, उत्तर प्रदेश, लखनऊ की पूर्व अनुज्ञा के बिना किसी स्थावर सम्पत्ति का अन्तरण या अर्जन नहीं करेगी;

(च) यदि तदर्थ समिति के सदस्यों में कोई मतभेद हो तो बहुमत का विनिश्चय मान्य होगा ;

(छ) राज्य सरकार, समय-समय पर अधिसूचना द्वारा, ऐसे आनुषंगिक या पारिणामिक उपबन्ध जिसमें उक्त अधिनियम के किसी उपबन्ध के अनुकूलन, परिष्कार या उसके प्रवर्तन को पूर्ण या आंशिक रूप से निलम्बित करने का उपबन्ध भी सम्मिलित है, किन्तु जिससे सार पर प्रभाव न पड़े, बना सकती है जो उसे पूर्ववर्ती या सम्बद्ध किसी भी प्रयोजन के लिए आवश्यक या वांछनीय प्रतीत हो ;

(ज) खण्ड (क) और (ख) के अधीन तदर्थ समिति नाम निर्दिष्ट किये जाने तक, उत्तर प्रदेश कृषि उत्पादन मंण्डी विधि (संशोधन) अधिनियम, 1978 के प्रारम्भ क ठीक पूर्व मण्डी समिति के अधिकारों का प्रयोग, कृत्यों का सम्पादन और कर्त्तव्यों का पालन करने के लिए प्रवृत्त प्रबन्ध बना रहेगा।"

(दो) उपधारा (2) में, शब्द 'खण्ड (घ)' के स्थान पर शब्द 'खण्ड (छ)' रख दिये जायेंगे।

अध्याय तीन

उत्तर प्रदेश कृषि उत्पादन मण्डी अधिनियम, 1964 का संशोधन

उ0 प्र0 अधिनियम संख्या 25, सन् 1964 की धारा 2 का संशोधन

3—उत्तर प्रदेश कृषि उत्पादन मण्डी अधिनियम, 1964 की, जिसे आगे इस अध्याय में मूल अधिनियम कहा गया है, धारा 2 में, खण्ड (भ) के स्थान पर निम्नलिखित खण्ड रख दिया जायगा, और सदैव से रखा गया समझा जायगा, अर्थात् —

"(भ) 'व्यापारिक परिव्यय' का तात्पर्य किसी भी नाम से कहे जाने वाले किसी ऐसे परिव्यय से है जो व्यापार की किसी रूढ़ि या प्रथा के अधीन या ऐसी रूढ़ि या प्रथा के नाम पर अन्यथा, किसी निर्दिष्ट कृषि उत्पादन के क्रय या विक्रय के किसी सौदे के सम्बन्ध में किसी व्यापारी द्वारा वसूल किया जाता हो या वसूल किया जा सकता हो या उसको देय हो।

स्पष्टीकरण—नमूने से क्रय किये जाने की दशा में नमूने से अन्तर होने के कारण, या किसी ज्ञात मानक से क्रय किये जाने की दशा में मानक से अन्तर होने के कारण, अथवा वास्तविक और मानक माप या तौल में भिन्नता के कारण, की गयी कटौती से भिन्न प्रत्येक कटौती व्यापारिक परिव्यय समझी जायगी।"

4—मूल अधिनियम की धारा 9 में, उपधारा (2) के पश्चात् निम्नलिखित उपधारा बढ़ा दी जायगी, और सदव स बढ़ाई गयी समझी जायगी, अर्थात्:— धारा 9 का संशोधन

"(3) उपधारा (1) और (2) के उपबन्ध किसी ऐसे निर्दिष्ट कृषि उत्पादन के सम्बन्ध में जिसे किसी बैंक के पक्ष में एसे बैंक द्वारा दी गयी धनराशि के लिए प्रतिभूति के रूप में गिरवी या दृष्टिबन्धक रखा जाय, लागू न होंगे।

स्पष्टीकरण—इस धारा के प्रयोजनों के लिए शब्द 'बैंक' का वही अर्थ होगा जो उत्तर प्रदेश साहूकारी विनियमन अधिनियम, 1976 में उसके लिए दिया गया है।"

5—मूल अधिनियम की धारा 17 में, खण्ड (तीन) में, उप खण्ड (ख) के स्थान पर निम्नलिखित उप खण्ड रख दिया जायगा और दिनांक 12 जून, 1973 से रखा गया समझा जायगा, अर्थात्:— धारा 17 का संशोधन

"(ख) मंडी शुल्क, जो मण्डी क्षेत्र में निर्दिष्ट कृषि उत्पादन के सौदों पर एसी दरों पर, जो इस प्रकार बेचे गये कृषि उत्पादन के मूल्य के, एक प्रतिशत से कम और डेढ़ प्रतिशत से अधिक न हो, जिसे राज्य सरकार अधिसूचना द्वारा विनिर्दिष्ट करे, लगाना और वसूल करना, और ऐसा शुल्क निम्नलिखित रीति से वसूल किया जायगा:—

(1) यदि उत्पादन आढ़तिया के माध्यम से बेचा जाये तो आढ़तिया क्रेता से मण्डी शुल्क वसूल कर सकता है और वह समिति को उसका देनदार होगा;

(2) यदि कोई व्यापारी सीधे उत्पादक से उत्पादन क्रय करे तो व्यापारी समिति को मण्डी शुल्क का देनदार होगा;

(3) यदि एक व्यापारी दूसरे व्यापारी से उत्पादन क्रय करे तो उत्पादन बेचने वाला व्यापारी उसे क्रेता से वसूल कर सकता है और वह समिति को मंडी शुल्क का देनदार होगा; और

(4) ऐसे उत्पादन के विक्रय की किसी अन्य स्थिति में, क्रेता समिति को मण्डी शुल्क का देनदार होगा।"

6—मूल अधिनियम की धारा 19—क के पश्चात् निम्नलिखित धारा बढ़ा दी जायगी, अर्थात्:— नयी धारा 19-ख का बढ़ाया जाना

"19—ख—(1) प्रत्येक समिति के लिए एक निधि स्थापित की जायेगी जिसे 'मण्डी विकास निधि' कहा जायगा जिसमें निम्नलिखित धनराशि जमा की जायेगी:— मण्डी विकास निधि

(क) उत्तर प्रदेश कृषि उत्पादन मंडी विधि (संशोधन) अधिनियम, 1978 के प्रारम्भ के ठीक पूर्व मंडी समिति निधि में जमा धनराशि का पैंसठ प्रतिशत;

(ख) ऐसी अन्य धनराशि जिसे इस निधि में जमा करने के लिए परिषद् द्वारा समय-समय पर निर्देश दिया जाय।

(2) मण्डी विकास निधि का उपयोग मण्डी क्षेत्र के विकास के प्रयोजनार्थ किया जायगा, और निधि से कोई धनराशि, सिवाय परिषद् द्वारा समय-समय पर दिये गये निर्देशों के अनुसार, न तो व्यय और न विनिहित की जायगी।"

अध्याय चार

प्रकीर्ण

7—(1) उत्तर प्रदेश कृषि उत्पादन मंडी विधि (संशोधन) अध्यादेश, 1977 एतद्द्वारा निरसित किया जाता है। निरसन और अपवाद

उ० प्र० अध्यादेश संख्या 21, 1977

(2) ऐसे निरसन के होते हुए भी, उक्त अध्यादेश के अधीन कृत कोई कार्य या कार्यवाही, इस अधिनियम के अधीन कृत कार्य या कार्यवाही समझी जायगी, मानों यह अधिनियम सभी सारभूत समयों पर प्रवृत्त था।

No. 87 (2)/XVII-V-1—1(KA) 33-1999

Dated Lucknow, January 10, 2000

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2000 (Uttar Pradesh Adhiniyam Sankhya 1 of 2000) as passed by the Uttar Pradesh Legislature and assented to by the Governor on January 9, 2000.

THE UTTAR PRADESH KRISHI UTPADAN MANDI (SANSHODHAN) ADHINIYAM, 2000

[U. P. ACT NO. 1 OF 2000]

(*As passed by the Uttar Pradesh Legislature*)

AN

ACT

further to amend the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964.

IT IS HEREBY enacted in the Fiftieth Year of the Republic of India as follows :—

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2000.

(2) It shall be deemed to have come into force on August 14, 1999.

Amendment of section 17 of U. P. Act no. 25 of 1964

2. In section 17 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964, hereinafter referred to as the principal Act, in clause (*iii*), in sub-clause (*b*), in the third proviso the words and figure "during the period of one year with effect from the date of commencement of the Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 1998" shall be *omitted*.

Repeal and savings

3. (1) The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhyadesh, 1999, the Uttar Pradesh Krishi Utpadan Mandi (Dwitiya Sanshodhan) Adhyadesh, 1999 and the Uttar Pradesh Krishi Utpadan Mandi (Tritiya Sanshodhan) Adhyadesh, 1999 are hereby repealed.

U. P. Ordinance no. 15 of 1999
U. P. Ordinance no. 20 of 1999
U. P. Ordinance no. 24 of 1999

(2) Notwithstanding such repeal anything done or any action taken under the provisions of the principal Act as amended by the Ordinances referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,

Y. R. TRIPATHI,

Pramukh Sachiv.

पी० एस० यू०पी०--ए०पी० 941 राजपत्र (हि०)-(1800)--2000--597 (मैक०)।

No. 1070(2) /VII-V-1-1(Ka)-20-2004

Dated, Lucknow, August 3, 2004

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Krishi Utpadan Mandi Vidhi (Sanshodhan), Adhiniyam, 2004 (Uttar Pradesh Adhiniyam Sankhya 13 of 2004) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 3, 2004 :—

THE UTTAR PRADESH KRISHI UTPADAN MANDI VIDHI (AMENDMENT) ADHINIYAM, 2004

(U.P. Act no. 13 of 2004)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964.

IT IS HEREBY enacted in the Fifty-fifth Year of the Republic of India as follows:–

CHAPTER-1

Preliminary

Short title and commencement

1.(1) This Act may be called the Uttar Pradesh Krishi Utpadan Mandi Vidhi (Sanshodhan) Adhiniyam, 2004.

(2) It shall be deemed to have come into force on May 24, 2003.

CHAPTER-2

Amendment of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964

Amendment of section 2 of U.P. Act no. 25 of 1964

2. In section 2 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964, hereinafter in this chapter referred to as the principal Act, clause (h-1) shall be *omitted.*

Amendment of section 8

3. In section 8 of the principal Act, in sub-section (2) for clause (b) the following clause shall be substituted, namely:–

"(b) a new Market Committee shall be constituted for the modified or newly created Market Area in accordance with the provisions of section 13."

Substitution of sections 13, 13-A, 14, 14-A and 14-B

4. For sections 13, 13-A, 14, 14-A and 14-B of the principal Act the following sections shall be substituted, namely:–

Constitution of Committee

"13.(1) The Committee referred to in section 12 shall Consist of the Following members to be nominated by the State Government in the manner as may be prescribed:–

(a) one representative of urban local bodies, exercising jurisdiction over the Principal Market Yard or Sub-Market Yard, or part of either and the market area or any of its part;

(b) One representative of Zila Panchayat and one representative of Kshetra Panchayats exercising jurisdiction over the Principal Market yard or Sub-Market Yard, or part of either and the market area or any of its part;

(c) one representative of the Co-operative Marketing Societies holding license for transacting business in the Market Area;

(d) one representative of commission agents carrying on business in the Market Area and holding license therefor under this Act;

(e) one representative of traders carrying on business in the Market Area and holding license therefor under this Act;

(f) seven representatives of producers of the Market Area;

(g) one person of the Market Area who shall represent the interest of consumers;

(h) two Government officials of whom one shall be a representative of the Uttar Pradesh Trade Tax Department and the other of the Food and Civil Supplies Department;

(i) Secretary of the Market Committee who shall be the member secretary.

(2) Out of the persons nominated under clause (f) of sub-section (1),

(a) two members shall be residents of any of the Gram Panchayat exercising jurisdiction over any part of the Market Area;

(b) five members shall be the producer sellers in the Market Area who obtained Sale Vouchers in Form no. VI of last three years from the Committee, out of which one member shall be belonging to the Scheduled Castes or the Schedule Tribes and the other from other backward classes of citizen.

(3) Every Committee shall have a Chairman nominated by the State Government from amongst the members referred to in clause (f) of sub-section (1) and a Vice-Chairman nominated by the State Government from amongst the members of the Committee.

(4) *(a)* The term of the Committee constituted under sub-section (1) shall be two years from the date of publication of the Constitution of the Committee under sub-section (6) if not terminated earlier by the State Government.

(b) The term of the office of the Chairman, the Vice-Chairman and the members shall be Co-terminus with the Committee.

(c) a non-official member shall cease to hold his office if he ceases to be a licensee of Committee or otherwise ceases to work in the Committee as trader or commission agent as the case may be.

(5) The name of every member nominated under sub-section (1) shall be registered with the Director within 21 days of the nomination thereof.

(6) The Constitution of the Committee constituted under sub-section (1) shall be notified in the *Gazette* by the Director with the prior approval of the State Government.

(7) The State Government where it considers necessary or expedient so to do in public interest may by notification extend the term of Committee for a period not exceeding six months at a time but the total period of such extension shall not exceed one year.

(8) No proceeding, or act done by or on behalf of the Committee shall be questioned on the ground for want of any qualifications, or defect in the nomination, of any person as Chairman, Vice-Chairman or member of the Committee, or on the ground of any vacancy, or any other defect in the Constitution of the Committee.

13-A. *(a)* A member of the Committee may resign from his office by writing under his hand addressed to the Chairman. The resignation shall take effect from the date on which it is accepted by the Chairman with the prior approval of the Director; — Resignation of members and nomination in certain circumstances

(b) The State Government may by notification nominate persons from the respective category of members to fill the vacancies of the members who have resigned and the persons so nominated shall hold office for remainder of the term of the Committee.

13-B. The State Government may, on the recommendation of the Director, remove any member including the Chairman or the Vice-Chairman if he has been found guilty of neglect or misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member or has been adjudged insolvent and the vacancy of such members shall be filled in accordance with the provisions of sub section (3) of section 13 or clause (b) of section 13-A as the case may be: — Removal of members, Vice-Chairman and Chairman of the Committee

Provided that no such member shall be removed from office unless he has been given a reasonable opportunity of being heard.

13-C. Where the Director, is satisfied that,- — Suspension of the Committee

(a) any Committee has willfully failed in the performance of its functions, or discharge of its duties, or has exceeded or abused the powers conferred on it by or under this Act or any other enactment;

(b) continuance or the functioning of the Committee is prejudicial; to the maintenance of public order or to the maintenance of supplies and services of commodities essential to the community in the market area or its part or in the other market areas; and

(c) it is necessary so to do, he may, after obtaining explanation from the Committee, by order in writing suspend the functioning of the Committee for a period up to six months.

13-D. (1) Where a Committee is suspended under section 13-C the Chairman, the Vice-Chairman and the members thereof shall be deemed to have vacated their respective office for the period of suspension and the powers, duties and functions of the Committee shall be exercised, discharged and performed by the District Magistrate who may exercise, discharge or perform such powers, duties and functions either himself or through an officer authorised by him not below the rank of the Deputy Collector. — Consequences of suspension

(2) Where the circumstances so warrant the Director may send its report for dissolution of the Committee to the State Government within three months from the date of its suspension.

(3) The director shall forthwith report about suspension under section 13-C to the State Government and if no adverse direction or order is received to the Director from the State Government within 15 days the suspension shall continue, for the period directed in the first order otherwise he shall act according to the directions of the State Government in the matter.

13-E. If at any time the State Government, on the report of the Director is satisfied that any Committee has made a willful default in the performance of any duty imposed upon it by or under this Act, or any other enactment or has exceeded or abused its powers, after taking into consideration the explanation of the Committee, it may, by order stating the reasons therefor dissolve the Committee by publication thereof in the official *Gazette*. — Dissolution of Committee

Explanation-1. Willful default means a failure to perform duties of the committee, lack of willingness or it disinclination to perform that duty and such failure should not be the result of any accident or inadvertent error.

Explanation-2. The purpose of stating reasons is to ensure that the reasons which impelled the action are genuine and relevant to the content and scope of he power vested in the State Government.

Consequences of dissolution

13-F. On the dissolution of the Committee;

(a) all the members, including the Chairman and the Vice-Chairman, of the Committee shall, be deemed to have vacated their offices from the date of dissolution.

(b) The Collector shall become the administrator of the Committee and shall either himself or through an officer not below the rank of deputy Collector exercise, discharge and perform the powers, duties and functions of Chairman, Vice-Chairman and the Committee, until the new Committee is constituted under section 13.

Amendment of section 15

5. In section 15 of the principal Act for the words "elected, nominated or appointed" the words, "nominated or appointed by the State Government" shall be *substituted*.

Insertion of section 17-A

6. After section 17 of the principal Act, the following section shall be inserted, namely:–

"17-A (1) Notwithstanding any thing to the contrary contained in any other provisions of this Act where the State Government is of the opinion that it is necessary and expedient in public interest so to do, in order to encourage establishment of Agro Processing Units in the State and to promote the marketing of the Specified Agricultural Produce to be used as raw material by the said unit it may on application or otherwise by notification exempt from or reduce the rate of mandi fee (excluding Development Cess) or such specified agriculture produce or produces as may be used by the newly established unit which fulfills the condition that the cost of its plant and machinery shall not be less than ten crore rupees, for such period as may be specified therein, not exceeding five years subject to such conditions and restrictions as may be specified therein.

(2) The State Government on being satisfied that it is expedient so to do, in public interest may, by notification, rescind any of the notification issued under sub-section (1) before the expiry of the period for which it was to remain in force."

Amendment of section 26-B

7. In section 26-B of the principal Act, in clauses (g) and (h) for the word "elected" wherever it occurs, the word "nominated" shall be *substituted*.

Ommission of sections 28, 29 and 30

8. Sections 28, 29 and 30 of the principal Act shall be *omitted*.

Amendment of section 40

9. In section 40 of the principal Act, in sub-section (2),-

(a) clause *(i)* shall be *omitted*.

(b) for *clause (ii)* the following clause shall be *substituted*, namely:-

"*(ii)* for the constitution of the Committee under section 12 or for the modified and newly created Market Areas under clause *(b)*, clause (c) or clause *(d)* of sub-section (1) of section 8 by nomination by the State Government and for their consequential matters".

(c) clause *(iii)* shall be *omitted*.

(d) clause *(xxxi-a)* shall be *omitted*.

CHAPTER-3

Repeal of the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpkalik Vyavastha) Adhiniyam, 1972

Repeal of U. P. Act no. 7 of 1972 and savings

10.(1) The Uttar Pradesh Krishi Utpadan Mandi Samities (Alpkalik Vyavastha) Adhiniyam, 1972 is hereby repealed.

(2) Notwithstanding such repeal the arrangement regarding exercise of powers, discharge of duties and performance of functions of a committee including its Chairman, Vice-Chairman and members by the District Magistrate as provided in the Act referred to in sub-section (1) shall continue in respect of such Committee until it is constituted in accordance with the provisions of section 13 of the Uttar Pradesh Krishi Utapadan Mandi Adhiniyam, 1964.

CHAPTER-4

Miscellaneous

Validation

11. For the removal of doubts, it is hereby declared that the powers, functions and duties of a Market Committee its Chairman and Vice-Chairman vested in the District Magistrate concerned under section 2 of the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpkalik Vyavastha) Adhiniyam, 1972 immediately before October 14, 2003 shall be deemed to have validly continued to be so vested in such District Magistrate and anything done or any action taken by the District Magistrate in exercise, performance and the discharge of the said powers, functions and duties at any time on or after October 14, 2003 shall be deemed valid as if the provisions of the said Act as amended by this Ordinance were in force at all material times.

Repeal and savings

U. P. Ordinance no. 10 of 2004 and U.P. Ordinance no. 14 of 2003

12.(1) The Uttar Pradesh Krishi Utpadan Mandi Vidhi (Sanshodhan) Adhyadesh, 2004 and the Uttar Pradesh Krishi Utpadan Mandi Vidhi (Sanshodhan), Adhyadesh, 2003 are hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Ordinance as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

Sections 13, 13-A and 14 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 (U.P. Act no. 25 of 1964) provided respectively for the constitution of Market Committees with elected and nominated members, presentation of election petitions to such authority and within such time as may be prescribed and Constitution of first Committees and new Committees. As the market Committees could not be constituted in accordance with the provisions of the said section 13, the exercise of powers, discharge of duties and performance of functions of a Market Committee, its Chairman and Vice-Chairman had been vested in the District Magistrates by the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakalik Vyawastha) Adhiniyam, 1972. It was, therefore, decided to amend the said Act of 1964 to provide for the Constitution of Market Committees by nominating the members thereof instead of by holding the elections of such members as has been provided in other States such as Tamilnadu, Punjab, Delhi, Andhra Pradesh, Hariyana and to repeal the said Act of 1972. The Uttar Pradesh Krishi Utpadan Mandi Vidhi (Sanshodhan) Adhyadesh, 2003 (U.P. Ordinance no. 14 of 2003) was promulgated by the

Governor to implement the said decision. The Provisions of the said Ordinance could not be replaced by an Act and the Ordinance was lapsed. Thereafter it was decided to repromulgate with respective effect the provisions of the said Ordinance by another Ordinance. It was also decided to provide for empowering the State Government to exempt from, or reduce the rate of, mandi fee in respect of certain specified agricultural produce.

Since the State Legislature was not in session and immediate Legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Krishi Utpadan Mandi Vidhi (Sanshodhan) Adhyadesh, 2004 (U. P. Ordinance no. 10 of 2004) was promulgated by the Governor on June 28, 2004.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
D. V. SHARMA,
Pramukh Sachiv.

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पी०एस०यू०पी०–ए०पी० 129 सा० विधायी–2004–(751)–850–(कम्प्यूटर/आफसेट)।